Docket No. HRT-182

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: St. Goar

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PAGE 03/07

Serial No.: 09/617,459

Art Unit: 3763

DEC 0 7 2004

Filed

: July 17, 2000

Examiner: L. Thanh

For

I bereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

December 7, 2004 Brian S. Tomko or Registered Representative

December 7, 2004

(Date of Signature)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. \$1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the aboveidentified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under \$1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in \$1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action for the mailing date of a first Office Action after the filing of a request for continued examination under \$1.114, no additional fee is required.

|            | In ac | cordanc  | e with   | \$1.129(a) | , this          | Informa  | tion |       |
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| Disclosure | Stat  | ement i  | s being  | filed in   | connec          | tion wi  | th 🗀 | ] the |
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|            |       | Stateme  | ent in A | ccordance  | with §          | (1.97(e) |      |       |
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| Disclosure | Stat  | ement i  | s being  | filed af   | ter the         | period   | set  | forth |

Statement in Accordance with \$1.97(e) (attached); or

in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is

accompanied by one of:

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| 279/BST the fee of \$180.00 as set forth in   |
| §1.17(p).   |
| In accordance with \$1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with \$1.97(e) as set forth below and the fee of \$180.00 as set forth in \$1.17(p). |
| Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.  |
| Copies of references listed on the attached Form PTO-<br>1449 are enclosed herewith EXCEPT THAT:  |
| In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.   |
| If any of the foregoing publications are not<br>available to the Examiner, Applicant will<br>endeavor to supply copies at the Examiner's<br>request.  |
| Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application  |
| publication listed on the attached Form PTO-1449 are not  |
| enclosed because this U.S. patent application was filed after   |
| June 30, 2003 or this international application has entered the   |

national stage under 35 USC \$371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).

- $\square$  There are no listed references which are not in the English language.
- The relevance of those listed references which are not in the English language is as follows:
- Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.
- Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/HRT-182/BST. This form is submitted in triplicate.

Respectfully submitted,

Brian S. Tomko Reg. No. 41,349

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DATED: December 7, 2004

PTO/SB/08A (08-00)

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Sheet 1 of 1

| CONCENTION DIRECTION DIRECTION |               |  |  |  |
|--------------------------------|---------------|--|--|--|
| Application Number             | 09/617.459    |  |  |  |
| Filing Date                    | 7/17/00       |  |  |  |
| First Named Inventor           | F. St Goar    |  |  |  |
| Group Art Unit                 | 3763 L. Tranh |  |  |  |
| Examiner Name                  | HRT0182       |  |  |  |
| Attorney Docket Number         |               |  |  |  |

|                      | Cite<br>No.1 | U.S. Patent Document  Kind Code <sup>4</sup> Number (if known) |  |  | D-to-5 D-blication                                     | Pages, Columns, Lines,<br>where relevant passages or<br>relevant figures appear |  |
|----------------------|--------------|--|--|--|--|---|--|
| Examiner<br>Initials |              |  |  | Name of Patentee or Applicant<br>of Cited Document | Date of Publication<br>of Cited Document<br>mm-dd-yyyy |   |  |
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## FOREIGN PATENT DOCUMENTS Pages, Columns, Lines. Foreign Patent Document Date of Publication of Cited Document where relevant Name of Patentee or passages or relevant CRC Examiner mm-dd-yyyy Applicant of Cited Document figures appear Number<sup>4</sup> KindCode<sup>6</sup> Office No. 12-07/1995 WO 95 32756 A1 Medtronio, Inc. 10-03-1998 WO 96 30347 A1 Pfizer

|           | <br>       |  |
|-----------|------------|--|
| Examiner  | Date       |  |
| Sinneture | Considered |  |

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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 808. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

t Unique citation designation numbor, 2 Soa attached Kinds of U.S. Patent Documents, a Enter Office that Issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the mign of the Emperor must precede the serial number of the patent document, skind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible, a Applicant is to place a check mark here if English language Translation is attached.